

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SUPERMEDIA LLC	:	CIVIL ACTION
	:	
v.	:	
	:	
MARTIN MORLEY	:	NO. 13-176
	:	(Consolidated)
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SUPERMEDIA LLC	:	CIVIL ACTION
	:	
v.	:	
	:	
AFFORDABLE ELECTRIC, INC.	:	NO. 12-2329

ORDER

AND NOW, this 8th day of October, 2014, upon consideration of the cross-motions for summary judgment filed by SuperMedia LLC (docket entry # 34) and Affordable Electric, Inc. (docket entry # 35), Affordable Electric, Inc.'s motion to expedite response time for plaintiff to answer defendant's interrogatories (docket entry # 27) and SuperMedia LLC's motions to strike defendant's untimely expert witness report (docket entry # 39) and for leave to file a sur-reply memorandum (docket entry # 46), and in accordance with the accompanying Memorandum, it is hereby ORDERED that:

1. Affordable Electric, Inc.'s motion to expedite response time is DENIED;
2. By noon on October 14, 2014¹, plaintiff shall SUBMIT its costs associated with defending the motion to expedite discovery and AEI shall by noon on October 16, 2014 SHOW CAUSE why we should not permit SuperMedia to recover the costs associated with defending this motion;
3. Affordable Electric, Inc.'s motion for summary judgment is DENIED;

¹ By the same deadline, SuperMedia shall FILE an affidavit to resolve the discrepancy identified in note 13 of the Memorandum.

4. SuperMedia LLC's motion to file a sur-reply is GRANTED;
5. The Clerk of Court shall FILE SuperMedia's sur-reply;
6. SuperMedia LLC's motion to strike defendant's untimely expert witness report is GRANTED;
7. By noon on October 14, 2014, SuperMedia LLC shall SUBMIT its costs associated with filing the motion to strike Affordable Electric's untimely expert report and AEI shall by noon on October 16, 2014 SHOW CAUSE why we should not permit SuperMedia to recover those costs;
8. By noon on October 14, 2014, J. Wright Leonard shall FILE an affidavit explaining the circumstances under which she submitted her June 28, 2014 letter and expert report;
9. SuperMedia's motion for summary judgment is GRANTED IN PART and DENIED IN PART, and there being no just reason for delay as to the sum due on the 2007 contract, we will enter Judgment in the amount the Court determines after SuperMedia's submissions in accordance with note 13 of the Memorandum;
10. By noon on October 14, 2014, SuperMedia shall FILE an affidavit with supporting documentation attesting to the amount due under the 2007 contract; and
11. The controversy now involving far less than the \$150,000 threshold for Court-annexed compulsory arbitration under Local R. Civ. P. 53.2.3.A, the Arbitration Clerk shall

LIST this action for a time during the week of November 17, 2014 convenient for the Arbitration Clerk.

BY THE COURT:

/s/ Stewart Dalzell, J.
Stewart Dalzell, J.